MANAGEMENT INFORMATION SERVICE

Page 375

Report 72 Jan.-'50

INTERNATIONAL CITY MANAGERS' ASSOCIATION
1313 EAST 60TH STREET – CHICAGO 37, ILLINOIS

This report was prepared in response to an inquiry from a municipality subscribing to this Service and is distributed to all subscribers. The contents may not be reproduced without permission.

Route To:

Return To:

HOW TO IMPROVE CITY COUNCIL ORGANIZATION AND PROCEDURE

What is the trend in the size, method of election, term of office, and pay for councilmen? What steps can be taken to increase the power and responsibility of the council? How can council legislative procedures be improved? How can the council best be kept informed and how can the public relations of the council be improved?

The tendency for years has been to reduce the size of city councils, to elect them on a nonpartisan ballot from the city at large, and to increase the term of office. During recent years many cities have increased the compensation of councilmen. The power and responsibility of city councils can be increased by abolishing separate administrative boards and commissions and by adopting procedures which will relieve councilmen of routine matters. City councils also can take steps to improve legislative procedure by adopting rules of order and procedure, by having a calendar prepared, by holding pre-council sessions, by referring matters to the city manager for study and report.

The council should see that it is kept fully informed on municipal affairs by the chief administrator and perhaps some councils may want special reports or periodic newsletters and bulletins prepared for their use. Many city councils are improving public relations by giving attention to the seating arrangement and equipment of the council chamber. The purpose of all these plans and procedures is to make the work of the council more effective as a representative body which in turn will result in better government and also help attract to its membership men of competence and broad experience.

Size of Council and Compensation. The council in approximately two-thirds of the cities over 25,000 has a membership of from five to nine. Only seven cities over 100,000 still have more than 25 councilmen, and several of these cities are drafting new charters. It would appear that a council of seven or nine would be large enough for cities of over 100,000, except perhaps for the very largest cities which might require 13 or 15.

Nominal salaries are the rule for councilmen of mayor-council and council-manager cities below 100,000 population. The median salary for all cities over 5,000 population is $200 a year. The median for cities between 5,000 and 10,000 is $120 and for cities over 500,000 it is $3,500 a year. Thirty-five cities increased the salaries of councilmen in 1948, and 61 did so in 1947. (Salaries of councilmen in every city over 5,000 are reported in the Municipal Year Book each year. For further information on the trend in compensating members of the city council and boards and commissions, see MIS Report No. 50, entitled "Compensation of City Councils and Boards", issued in March, 1948.)

Method of Election and Term of Office. Councilmen should be elected on a nonpartisan ballot from the city at large instead of from wards. Nearly 60 per cent of all cities over 5,000 now elect their councils on nonpartisan ballots from the city at large; only 27 per cent elect all their councilmen from wards. If

(Over)

election-at-large does not seem desirable, then councilmen may be nominated from districts but elected at large. Another alternative would be to have part of the councilmen elected from districts and part from the city at large.

During recent years many cities have increased the term of office for their councilmen. Annual election was the rule for decades but now more than one-half of the cities over 25,000 have four-year terms. Four-year terms are desirable, and half of the council should be elected at a time so as to have terms overlap and have a council election every two years.

Veto Power of Mayor. In about 40 per cent of all cities over 10,000 the mayor still has veto power over all measures passed by the council. While this may be desirable in mayor-council cities, it certainly lessens the responsibility of the council in commission or council-manager cities and where it still exists should be eliminated.

Increase Power and Responsibility of Council. Councils in all except commission-governed cities should exercise only broad supervision over administration, and their dealings with administrative affairs should be conducted through the chief administrator of the city and not through council committees, administrative boards, and so on. Specifically, the importance, prestige, and responsibility of the council can be increased by the following methods:

1. Abolish separate boards, commissions, and authorities now appointed by the mayor or council and transfer the functions of such agencies to departments headed by directors selected by the chief executive. Separate administrative boards referred to here are agencies that control such functions as airports, recreation, housing, hospital, utilities, and so on. In some instances they may be retained in an advisory capacity only, but their duties should be clearly defined by the council. Ordinarily advisory boards are useful only when appointed for a specific purpose--for example, a board of architects, engineers, and contractors to advise on the development of building classifications for real property appraisal.

With respect to any boards that may be retained, the council should require that their budgets must be approved by the council, that they use the regular staff services of the city, and that they report each month to the chief administrator. (Suggested methods of establishing coordination between the city council and separate boards and commissions are set forth in MIS Report No. 38, entitled "Relations of Council and Chief Administrator to Boards and Commissions," issued in June, 1947.)

2. Eliminate or reduce the number of standing committees. Councils with a membership of three or five do not need any regular standing committees, but councils having more than five members may need at least three standing committees: finance, public improvements, and regulatory affairs (penalty ordinances in the police, fire, traffic, and other fields). Such committees can make a systematic examination on behalf of the whole council of every measure or action requested of the council before it is voted upon. Committee inquiry would include the holding of public hearings on proposed ordinances. Such hearings provide a good liaison between the public and the legislative body, especially in the larger cities. Department heads and other city officials can attend these committee hearings and furnish advice and counsel on behalf of the administration.

Each standing committee should require the sponsor to submit with important ordinances pertinent data in writing in advance of the hearings, and other steps should be taken to assemble the necessary factual information on which the

committee can make a decision. A brief resume of committee hearings on important measures should accompany bills when reported out of committee. Minority reports, if any, should be submitted separately. These committees would deal with legislation and policy matters--not with particular chores. Such standing committees should take up council business and dispose of it promptly, conscientiously and systematically.

3. Use special committees only on rare occasions. Councilmen should not be burdened with details on problems relating to city business. Information needed by the council can be prepared by the chief administrator and his staff and submitted to the council as a basis for action.

4. Relieve councilmen of petty details which bore any man of experience in affairs. This applies equally to commissioners in commission-governed cities. Among the routine items that could be dispensed with by the council are:

a. The approval of claims or bills for goods or services bought by the city before such bills are paid. The council should not be expected to review detailed lists of claims. Such a practice is not necessary in cities that have good budgeting and purchasing procedures and where adequate financial reports are submitted by the administrator to the council. A few city councils persist in reviewing claims simply because it is a custom of long standing, but from the standpoint of good management it is not necessary for the council to approve each claim presented for payment before disbursement is made. The council determines the necessity and wisdom of purchasing equipment and materials before the budget is adopted and appropriations are made. If state statutes or the city charter require checking, claims should be reviewed by the finance committee and brought to the council with committee recommendations.

b. Letting of all contracts for the purchase of land, goods, or the construction of public works above a certain amount. There is a somewhat stronger reason for legislative action on this point but here again the legislative act was performed when the appropriation was made or the bond issue authorized, and within these limits the awarding of contracts should be left to the chief administrator under proper restrictions which are beyond the subject of this discussion. If this proposal is not feasible then the limit should be raised. For example, instead of requiring approval of all purchases and contracts of more than $500 the amount might be raised to $1,000 and in the very large cities to $2,000. Purchases in excess of the set amount must be advertised and the selection of the successful bidder approved by the council. The competitive bidding requirement would be retained regardless of the amount.

c. The formalities of fixing street grades; opening, closing and widening of streets; and the construction of sidewalks, sewers, and so on. Charters or laws should provide that such questions be settled by some relatively simple act on the part of the council and the application of the details left to administrative officers.

d. The granting and revoking of licenses for the sale of liquor and other privileges. Here is a place where the council should merely determine whether licenses shall be issued and if so under what terms and conditions and then let administrative officers determine when these terms and conditions are satisfied.

e. Appropriations made in detail such as, for example, appropriating $50 to the police department for soap. Such interference is petty and can only cause

(Over)

ommittee can make a decision. A brief resume of committee hearings on important easures should accompany bills when reported out of committee. Minority reports, f any, should be submitted separately. These committees would deal with legis- ation and policy matters--not with particular chores. Such standing committees hould take up council business and dispose of it promptly, conscientiously and ystematically.

3. Use special committees only on rare occasions. Councilmen should not be urdened with details on problems relating to city business. Information needed y the council can be prepared by the chief administrator and his staff and sub- itted to the council as a basis for action.

4. Relieve councilmen of petty details which bore any man of experience in ffairs. This applies equally to commissioners in commission-governed cities. mong the routine items that could be dispensed with by the council are:

a. The approval of claims or bills for goods or services bought by the city efore such bills are paid. The council should not be expected to review detailed ists of claims. Such a practice is not necessary in cities that have good budget- ng and purchasing procedures and where adequate financial reports are submitted y the administrator to the council. A few city councils persist in reviewing laims simply because it is a custom of long standing, but from the standpoint of ood management it is not necessary for the council to approve each claim presented or payment before disbursement is made. The council determines the necessity and isdom of purchasing equipment and materials before the budget is adopted and ap- ropriations are made. If state statutes or the city charter require checking, laims should be reviewed by the finance committee and brought to the council with ommittee recommendations.

b. Letting of all contracts for the purchase of land, goods, or the construc- ion of public works above a certain amount. There is a somewhat stronger reason or legislative action on this point but here again the legislative act was per- ormed when the appropriation was made or the bond issue authorized, and within hese limits the awarding of contracts should be left to the chief administrator nder proper restrictions which are beyond the subject of this discussion. If his proposal is not feasible then the limit should be raised. For example, instead f requiring approval of all purchases and contracts of more than $500 the amount ight be raised to $1,000 and in the very large cities to $2,000. Purchases in xcess of the set amount must be advertised and the selection of the successful idder approved by the council. The competitive bidding requirement would be re- ained regardless of the amount.

c. The formalities of fixing street grades; opening, closing and widening f streets; and the construction of sidewalks, sewers, and so on. Charters or laws hould provide that such questions be settled by some relatively simple act on the art of the council and the application of the details left to administrative fficers.

d. The granting and revoking of licenses for the sale of liquor and other rivileges. Here is a place where the council should merely determine whether icenses shall be issued and if so under what terms and conditions and then let dministrative officers determine when these terms and conditions are satisfied.

e. Appropriations made in detail such as, for example, appropriating $50 to e police department for soap. Such interference is petty and can only cause

(Over)

trouble for the department and for the council. Appropriations should be made to departments by character of expenditures.

f. Detailed handling of communications to the council which require clerical and council time out of proportion to their importance. Individual members should not have communications to them as individuals read in council unless of genuine interest and properly addressed to the council. Communications of little consequence should be put through en masse but the council should not ignore any that are addressed to it. Some communications require a great deal of handling--placing on the calendar, reading to the council, referred by the council to the city manager, and perhaps report by manager to council at a subsequent meeting.

An alternative is to have all communications addressed to the council reviewed by the city clerk who would refer them to the city manager or proper official for investigation and recommendation and report to the city council. In this way the city clerk would have a record of all communications coming to the council and would properly index them so that if a communication should become lost before it is properly disposed of it could be traced. In some cities the clerk has a working agreement with the council whereby when a communication is referred by the clerk to the manager or other official a record is made on the minutes of the next council meeting indicating such referral. When the communication reaches the council after full investigation another minute record is made showing disposition.

Improve Legislative Procedure. Comments on this subject are confined to rules of order and procedure, preparing the calendar, holding of caucuses or pre-council sessions, and reference of matters to the manager. Although the term council is used, these comments apply equally to city commissions.

1. City councils should adopt rules of order and procedure designed to expedite business and at the same time provide fair and open deliberation with full protection to the minority in its presentation of arguments and in recording its opposition. Rules of procedure are a guide to the council, the city clerk, the city manager, and citizens having matters before the council. These rules might well cover such topics as the preparation of the calendar, the order of business, the methods for processing communications, the procedure for conducting various types of appeals and hearings, rules governing the length of discussion, and conduct in the council chambers. (A composite of the council rules of a half dozen cities is contained in MIS Report No. 31, entitled "Rules and Order of Procedure for City Councils," issued in January, 1947.)

2. A calendar prepared before the regular council meeting serves to warn each member and the public of impending business and enables them to prepare themselves accordingly. The calendar should be prepared and arranged according to a definite plan, including a fixed time for submitting matters for a given meeting. It should be possible to plan the matters requiring council attention in such a way that the calendar closes not later than noon of the day preceding a meeting. All items should then be arranged in order, and no additional items should be considered except for emergencies which are recognized as such by the unanimous consent of all present.

The preparation of the calendar varies greatly from city to city. Perhaps the city manager's office should prepare it because all reports from departments are transmitted to the council through the manager's office. In most cities, however, the task of preparing the calendar is a proper responsibility of the city clerk and the manager supplies the clerk with items which he wants to add

to the calendar. Generally every new item of purely administrative business should clear through the manager's office before it is sent to the city clerk, and the complete calendar may be reviewed by the manager before the council meeting because he ought to be thoroughly familiar with every item. (Suggested methods of preparing the calendar, content of the calendar, and how it is used are set forth in MIS Report No. 46, entitled "Preparing the Agenda for Council Meetings," issued in December, 1947.)

3. There is a definite place in council procedure for the caucus, pre-council session, or whatever it may be called. Generally the council meets in caucus just prior to the regular council meeting or perhaps at luncheon or dinner on the day of the regular meeting if the council meets in the evening. No formal votes are taken on matters although a polling of the council or an informal vote may be taken.

At the pre-council meetings some cities not only discuss matters which do not require legislative action but also discuss the calendar for the formal meeting. Some councils also have an informal meeting after the regular meeting at which they discuss items that may come up for future consideration. These pre-council meetings ought to be devoted to informal discussions of pending problems and preliminary exchanges of views on long-range plans. Routine discussions of matters that require little or no real deliberation and such trivia as small claims and requests to patch cracks in sidewalks have no place here.

Pre-council sessions should not be used to hear individual matters. Interviews with outsiders should be restricted to those instances in which the council and manager are seeking advice on matters not yet formally submitted for decision. Likewise, the council should avoid any tendency to decide important issues at such sessions and merely announce results at the regular meeting. Such a practice would leave the public with inadequate information on which to judge the relative merits of individual councilmen and also lessen public interest in city problems. At least half of each session ought to be devoted to free discussion of some major matter of organization, intergovernmental relations, civic planning, long-range financing, or other matters comparable in scope. These informal meetings provide councilmen an opportunity to familiarize themselves with administration plans, programs, and policies on such matters as finance, capital improvements, etc.

4. By referring new business to the manager or clerk for a report at a future meeting, the council can save itself a great deal of work. This is generally preferable to referring matters first to council committees or to a general discussion without the basic facts. The city manager in council-manager cities and the city clerk in other cities can obtain the needed information and submit reports to the council on specific matters from an over-all point of view based on the knowledge of local conditions and best practices in other cities. If necessary, the reports can then be referred to appropriate council committees.

A report to the council should be accompanied with recommendations for council action. The council should rely on the chief administrative officer for information on best practices in other cities, for securing model ordinances which can be adapted for local use, and for securing advice locally or outside on the handling of various problems. Considerations which affect the formulation of policy are so technical and complex that administrative experience must be a part of every deliberation leading to action. Thus, the mayor or the city manager, depending on the form of government, cannot avoid making positive recommendations to the council.

(Over)

5. Appeals from actions of boards and commissions, particularly the planning commission or zoning board, occupy an undue amount of time of many council meetings. While the right of appeal must never be impaired, a few simple rules might safeguard against abuse of the privilege. The council should require a showing that grounds for appeal exist. In some cases the appellant has not exhausted the possibilities of getting the action he wants through administrative channels. Basic ordinances and council policy should clarify the rights of citizens in cases before regulatory boards and commissions. Sometimes he is misinformed as to the nature of the action against which he thinks he wants to appeal. On other occasions he wants to appeal about a matter over which the council has no jurisdiction. There should be some limitation too, on the number of times the same person may address the council on an appeal or the number of times the same ideas may be reiterated by different appellants.

6. Routine business of the council has a certain monotonous quality because of the frequent repetition of formal roll calls on routine matters about which there is little discussion. Use of an omnibus roll call will save considerable time at council meetings. The calendar should be arranged so that all routine ordinances are together, all routine resolutions together, and so forth. In session the clerk reads the calendar heading of each group, the chairman declares that the items are to be read and voted on by omnibus, the clerk reads the items, and the chairman then calls for any objection to the inclusion of any item. If a member wants to vote separately on any item, he objects, and the item is taken out. The chairman then orders a single roll call upon the group of items. Separate rolls are called upon items pulled out.

7. An excellent method of expediting the business of the council is through the use of printed forms to which the city clerk attaches galley proofs of items referred to the city manager for appropriate disposal or for specific action as indicated, the form giving the date of the council meeting and indicating any documents that may be attached. The bottom part of this form in many cities is used by the city manager to transmit instructions to the appropriate department head.

Keep the Council Informed. In council-manager cities it is the specific duty of the manager to keep councilmen informed on municipal problems and activities. Councilmen generally feel free to contact department heads directly on routine matters, but department heads should keep the manager informed, orally or in writing, on matters of information given to councilmen. Certainly all formal communications from department heads to councilmen and all matters of major concern should clear through the office of the manager.

The administrator must keep notes on matters that should be brought to the attention of the council and decide how best to inform them. Those department heads directly under the administrator may prepare at his request some of the reports but they seldom submit such reports directly to the council. The manager either submits a written summary of the significant points for the council or he presents an oral summary of the report. On important matters the manager uses both methods. If there is likely to be discussion in the council meeting the manager may request the department head to attend and answer questions raised by the council. Any special reports intended for the council should not be released to the press or to anyone else in advance of the council meeting.

Regular reports from the city manager should be heard at least once a month. These reports should not summarize the dull statistics of departmental operation, but should highlight the accomplishments, problems, and the plans of the city

administration. At least quarterly these reports should include a brief analysis of the city's financial position. The city manager should know enough about current problems, policies, and current operations to be able to discuss intelligently any matter which is properly before the council.

A number of cities have inaugurated the practice of issuing special newsletters or bulletins addressed to the mayor and council. These consist of from one to four or five pages covering a number of items the manager believes will be of interest to the council. The reports are mailed to the council prior to the regular meeting. Other methods used to keep councilmen informed include visual aids, inspection of projects and activities, monthly and annual reports. (A detailed discussion of methods of keeping councils informed is contained in MIS Report No. 56, entitled "Methods of Reporting to the City Council," issued in September, 1948.)

Council's Relation to Administration. In cities operating under the council-manager plan the council generally deals with the administrative departments only through the city manager. Occasionally, however, a councilman may make a direct request to a department or a division head for information on a particular matter. When this occurs, the request or communication should be immediately acknowledged and a copy of the acknowledgment sent to the manager's office. Copies of all subsequent reports to the councilman also should be sent to the manager's office. It is important that communications from councilmen be given prompt attention.

Another point of contact between individual councilmen and department heads may occur in connection with action on ordinances. The city manager should require that all requests for ordinances from departments under his jurisdiction should be directed to the city manager's office and that such requests for an ordinance will be considered by the city attorney only if it bears the approval of the city manager. Accompanying the request for an ordinance should be a full explanation of the purpose of the proposed ordinance. If an emergency clause is necessary this fact should be indicated and a full explanation given. (A sample copy of an "ordinance request" form may be secured on loan from MIS.)

Give Attention to Public Relations of Council. The council and city clerk can do a great deal to improve council procedure by giving some attention to the seating arrangement and equipment in the council chamber and to the citizens who attend.

1. The council meeting room should be attractive and dignified. It probably should be on the first or second floor of the city hall so it can be easily reached by the public without using elevators. In some cities councilmen are seated back of a semi-circular table so they can readily see each other and also the citizens who may attend the meeting. Council business perhaps can be more readily expedited if the mayor is seated in the center of the table and is flanked by the city manager, city clerk, and attorney. With such an arrangement none of the councilmen have their backs to citizens who may be attending the meeting.

The city council, however, is a deliberative body and it has been a maxim of public assemblies that the presiding officer must face the members in session. It is contended, first, that if this is not done the members are not sufficiently aware that they have a presiding officer, and secondly, that the council is in regular meeting to despatch public business and not to play to the audience. Perhaps for these reasons some cities retain a council seating arrangement which requires that citizens look at the backs of their councilmen. These arguments apply more to large public assemblies, including large city councils, than to a small

(Over)

council of from five to nine members. (For a summary of practice see article "Arrangement and Use of Council Meeting Rooms" in PUBLIC MANAGEMENT for April, 1949).

2. The meeting room should have good accoustics or be equipped with an amplifying system. In recent years a number of cities have equipped their council chambers with public address systems with individual microphones for each council member and other chief officials who attend the regular meetings, as in Cincinnati, Kansas City, Long Beach, Oakland, San Diego, Toledo, Portland (Oregon), and Wichita.

3. Among other devices that are being installed in council chambers are mechanical recording devices for making a record of council proceedings. Berkeley, California, for example, has installed a disc-recording device and 15 microphones. The entire council proceedings are not recorded. Councilmen would be the first to agree that most of the speeches and comments in council meetings are not worth preserving, but recordings are useful in making up the official minutes of council meetings. The recording insures greater accuracy in record-making, relieves the clerk's force of tedious work, and provides a complete record. The city clerk must still make notes of main headings and important points to be checked when the recordings are played back. The city councils in Nashville and San Diego on occasion use tape recorders to make a record of hearings for special meetings.

4. A few cities have adopted a plan of sending special invitations to selected citizens to attend council meetings. For example, in one city the mayor sends a letter to 10 citizens each week, the names being selected from a list of citizens representing varied interests. Another city uses a special printed post card which is sent out to selected citizens.

5. Some city councils provide citizens who attend council meetings with an attractive folder showing the pictures and names of the councilmen and the seating arrangement in the council chamber together with an organization chart of the city government, names of chief administrative officers, and members of commissions, also a brief statement on how the city council operates. At least one large city has used this sort of pamphlet with good results and the circular also is distributed to students in civics classes in the public school system.

Note: For further information on practices in council-manager cities on relations of the city manager to the council see articles in "Public Management" for January, February, March, and April, 1946, under the title of "Relation of City Manager to Council." See also articles entitled "Leadership Functions of City Managers" in "Public Management" for June and July, 1949.

* * *

In the preparation of this report grateful acknowledgment is made of the valuable suggestions of three specialists who reviewed a tentative draft: Emmett L. Bennett, Cincinnati Bureau of Governmental Research; Earl Goforth, City Secretary, Dallas, Texas; and Frank B. Niederstadt, City Clerk, Saginaw, Michigan.